

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROBERT BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-00221

MOUNT OLIVE CORRECTIONAL COMPLEX

Defendant.

MEMORANDUM OPINION AND ORDER

Plaintiff Robert Blake, acting *pro se*, filed his complaint pursuant to 42 U.S.C. § 1983 on April 4, 2011. On April 5, 2011, this Court referred Plaintiff's complaint to Magistrate Judge Mary E. Stanley for proposed findings of fact and a recommendation ("PF&R"). (Docket 6.) On June 22, 2011, Magistrate Judge Stanley issued a PF&R recommending the dismissal of Plaintiff's complaint with prejudice because he no longer qualifies for *in forma pauperis* status under the Prisoner Litigation Reform Act and has failed to pay the filing fee in this case. (Docket 10.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the Magistrate Judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). To date, Plaintiff has filed no objections to the

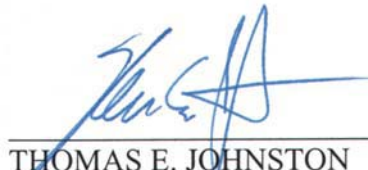
Magistrate Judge's PF&R, although such objections were due to this Court no later than July 11, 2011.

Accordingly, the Court hereby (1) **ADOPTS** the PF&R; (2) **DISMISSES** this case with prejudice, as recommended by the Magistrate Judge; and (3) **DIRECTS** the Clerk to remove this action from the Court's active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, the plaintiff, *pro se*, and Magistrate Judge Stanley.

ENTER: August 26, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE